

DURHAM CITY COUNCIL WORK SESSION
Thursday, April 19, 2018 @ 1:00 p.m.
2nd Floor Committee Room – 101 City Hall Plaza

The Durham City Council held a Work Session on the above date and time in the City Council Committee Room located at 101 City Hall Plaza with the following members present: Mayor Steve Schewel and Council Members Vernetta Alston, Javiera Caballero, DeDreana Freeman, Mark-Anthony Middleton and Charlie Reece. Absent: Mayor Pro Tempore Jillian Johnson.

Also present: City Manager Tom Bonfield, Senior Assistant City Attorney Sherri Zann-Rosenthal and City Clerk Diana Schreiber.

Mayor Schewel called the meeting to order and welcomed all in attendance.

Mayor Schewel asked if there were any announcements by Council.

Mayor Schewel announced the installation of Chancellor Johnson O. Akinleye to NC Central University in conjunction with the great news of Council Member Middleton's fiftieth birthday.

Mayor Schewel announced that Mayor Pro Tempore Johnson's mother passed suddenly and requested an excused absence for his colleague; and stated that Council sent their loving support to Mayor Pro Tempore Johnson and her family while in Richmond, Virginia.

MOTION by Council Member Freeman, seconded by Council Member Reece, to allow an excused absence for Mayor Pro Tempore Johnson was approved at 1:08 p.m.; the motion was approved unanimously.

Council Member Reece announced that Durham Refugee Day would be celebrated on Saturday, May 5th in Durham Central Park from 2-5 pm; announced that Council Members Caballero and Middleton recorded their first *City Life* episode; provided statistics regarding the length of Council meetings and memorialized the top five longest meetings into the annals of Council history by noting Monday's night meeting on 4-15-18 at 5 hours, 8 minutes, this meeting was the fourth longest meeting since 2006; and made special mention of the shortest Council meeting conducted on January 29, 2016 of a total of four minutes.

Council Member Freeman announced her husband's birthday; and recognized National Domestic Violence Month/Sexual Assault Month in April.

Mayor Schewel asked if there were any priority items from the City Manager, City Attorney and City Clerk.

City Manager Bonfield announced that Council would be requested to suspend the rules and vote on Item 7, Jackson/Pettigrew Street Development Loan Commitment; and added three supplemental items to the agenda: Item 23, Participatory Budgeting (PB)/Follow-Up, Item 24, 2018 Bloomberg Mayor's Challenge Grant and Item 25, Agreement with UG Strategies, LLC to Fund Moogfest 2018.

Senior Assistant City Attorney Sherri Zann-Rosenthal clarified that there had been a change to Item 7's commitment letter; emphasized that all the legal features remained the same, legal provisions being reviewed by the Attorney's Office; and the request of the city to be in the second subordinate position of the loan was still outstanding.

Mayor Schewel inquired if the approval spoke to the city's subordination position.

Senior Attorney Zann-Rosenthal stated if the city approved the commitment letter, the City Manager had the authority to negotiate the terms.

MOTION by Council Member Alston, seconded by Council Member Caballero to approve the City Manager's priority item along with the three supplemental items; the motion was approved unanimously.

Senior Attorney Zann-Rosenthal mentioned that a closed session was on the agenda, scheduled at the end of the meeting for attorney-client consultation pursuant to NCGS 143-318.111.(a)(3).

The City Clerk had no priority items.

Mayor Schewel announced the items printed on the agenda; the following items were pulled for further discussion: Item 3, Interlocal Agreement between the City of Durham and Durham County for the Sharing of Sales Tax Revenue; Item 4, Amendment One to the Durham County Interlocal Agreement for Housing Opportunities for Persons with AIDS (HOPWA); Item 8, Installation of Signalized Pedestrian Upgrades in Durham; and Item 12, Contract for Private Drainage Assistance Projects (SD-2018-06, SD-2018-07 and SD-2018-08).

Mayor Schewel announced that Council would suspend the rules and vote on Item 7, Jackson/Pettigrew Street Development Loan Commitment, as requested by the City Manager.

MOTION by Council Member Reece, seconded by Council Member Freeman, to suspend the rules was approved at 1:18 p.m.; the motion was approved unanimously.

MOTION by Council Member Reece, seconded by Council Member Caballero, to approve Item 7, was approved at 1:19 p.m. by the following vote: Ayes: Mayor Schewel and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: Mayor Pro Tempore Johnson.

Mayor Schewel announced it was time for Citizens' Matters.

SUBJECT: CITIZEN'S MATTER – ALORY BORS & CARA PUGH

Ms. Pugh, student in Public Policy at UNC-Chapel Hill, spoke to their research on gender analysis on housing equity as part of NC Coalition of CEDAL; researched how single mothers and women of color were impacted by gentrification, rent cost overburdening and poverty; and presented the data to emphasize the issues to Council.

Ms. Bors, student in Public Policy at UNC-Chapel Hill, noted a copy of the report was located on WomenNC. spoke to data and the four dimensions of affordable housing; improve the availability of units; improve infrastructure for equitable housing access by improving financial literacy services and tenant protection to prevent landlord discrimination of tenants; represent community interests; and evaluation of policies to improve affordable housing. Ms. Bors made a recommendation to involve impacted persons 'at the table' and in leadership positions; emphasized that public policy needed to impact those marginalized persons in need of

assistance, specifically, women and girls; and urged more data to be collected for future policy utilization.

SUBJECT: CITIZEN'S MATTER – HEATH KNIGHT

Ms. Knight addressed concerns about damage to her property that had been caused by contractors associated with the Google fiber installation in the right of way; itemized the damage that consisted of a tree being killed, waterline broken, front bank destabilized with a large pit; and asked that the right of way be remediated and for the city to pressure the contractors to repair the landscaping on her property.

Marvin Williams, Director of Public Works, detailed the restoration efforts and explained the remediation was not accomplished to Ms. Knight's satisfaction.

Council Member Alston inquired if there had been a water leak.

Director Williams stated the information provided did not show/prove a leak on the property.

Mr. Walter Wells, AT&T Office of External Affairs, responded for the utility; explained the damage was beyond where the contractor's work had been going on; noted the plantings had been restored but the sprinkler lines could not be corrected; and stated as of September 2017 no more outreach had been conducted.

Director Williams and Mr. Wells spoke to the remediation efforts and the status.

Google did not send a representative to the Work Session.

Director Williams described how projects were inspected prior to finalizing such projects to standard.

After additional discussion, Mayor Schewel emphasized that if a leak was confirmed, that the contractor and city staff fix the problem; and encouraged city staff to work with the resident, AT&T and Google and to let Council know the outcome.

SUBJECT: CITIZEN'S MATTER – DIANE STANDAERT

Ms. Standaert spoke to evictions and fair housing;

Mayor Schewel stated that the city could fund the legal side of the crisis but not the emergency rental side; the rental side was handled by Durham County DSS and it was recommended the speaker lobby Durham County Commissioners.

Council discussed eviction diversion as efforts to keep persons sheltered; noted that Council could provide funding for legal aid but could not provide rental assistance; and questioned how the City could partner with the County.

Ms. Standaert itemized the cost for eviction diversion programming and estimated that \$100,000 could provide 200 persons with \$500 with emergency rental assistance.

SUBJECT: INTERLOCAL AGREEMENT BETWEEN THE CITY OF DURHAM AND DURHAM COUNTY FOR THE SHARING OF SALES TAX REVENUE (ITEM 3)

Bertha Johnson, Director of Budget and Management Services, responded to Council's questions about the five year agreement that would require renegotiation in 2019, the choices of per capita and ad valorem, variability and determining fairness; and how did the interlocal agreement compare to the previous.

Director Johnson responded that renegotiation was conducted on property values in the Fall and that the interlocal agreement was the same as the previous one.

SUBJECT: AMENDMENT ONE TO THE DURHAM COUNTY INTERLOCAL AGREEMENT FOR HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) (ITEM 4)

Reginald Johnson, Director of the Department of Community Development, answered Council's question regarding the Durham Housing Authority program and Durham County's program.

Director Johnson responded that there was one program with two different vendors with two different functions that had to be managed together; TBRA included only rental assistance and the primary program, StrongU included case management, utility, mortgage and rental assistance.

SUBJECT: INSTALLATION OF SIGNALIZED PEDESTRIAN UPGRADES IN DURHAM (ITEM 8)

Peter Nicholas, Transportation Engineer in the Transportation Department, answered Council's questions regarding lighting being installed in front of Club Boulevard Elementary, the lack of safety along the roadway and intersection of Glendale and Club Boulevard and the high speeds occurring at the crosswalk.

Council Member Caballero inquired if Transportation staff could provide outreach to the school site in order to discuss the traffic measures; and asked about installing a traffic circle.

Mr. Nicholas addressed concerns by stating that when construction begins on site, communications were provided to neighbors; explained the rationale for the pending installation of a (RRFB) flashing beacon crossing at Club and Glendale; and was receptive to conducting outreach at the school with its principal and PTA; and noted a traffic circle was not feasible at the location due to right of way limitations.

SUBJECT: CONTRACT FOR PRIVATE DRAINAGE ASSISTANCE PROJECTS (SD-2018-06, SD-2018-07 AND SD-2018-08) (ITEM 12)

Council Member Reece inquired about how the 16 private drainage projects were selected for funding.

Dana Hornkohl, Civil Engineer in the Stormwater Division of Public Works, responded that private citizens with drainage systems on their properties applied for assistance through this

program; noted the reason staff was seeking outside assistance for design was due to an accumulated backlog, typically the projects were designed in-house; and explained that the projects were ranked on a system of priority, the 16 projects included in the agenda item were the top ranked 16 projects out of a total of 17 applications; explained once the design phase was completed, the city would be responsible for construction with the use of contractors and stated cost-share was not covered by the property owner; provided the background on the program for the repair of failing drainage systems that has existed since 1995 and involved a fluctuating combination of cost-sharing;

Council Member Reece inquired about the cost of design/permitting/construction in the amount of \$472,000 for the 16 projects; who was responsible for construction and how were the projects funded; asked about cost-share allowances for residential and commercial parcels, when would the maximum cost-share allocations be reached and what was the rationale for the city to be involved in these projects.

Paul Wiebke, Assistant Public Works Director, stated the program was developed to assist homeowners who had no other means to correct failing drainage systems on their properties; and rationale for the program was serving the rate payers; one oddity of the program was that it was not required by permit and was not means tested and was not an emergency response program.

Bo Ferguson, Deputy City Manager, expanded on the background stating that the projects were frequently located in older neighborhoods where previous stormwater drain were insufficient and not functioning to standard; and spoke to the rationale that property owners did not realize the stormwater infrastructure belonged to the property owners when they purchased.

City Manager Bonfield spoke to upstream impacts downstream and the inherited nature of stormwater drainage on private property.

Council Member Reece inquired about the frequency of the projects per year; and noted the paperwork and design, when outsourced, cost more than the construction.

Mr. Hornkohl summarized the impact of rain events on stormwater infrastructure along with the number requested projects; and explained that the projects had been undertaken year to year on city owned and private properties.

[PRESENTATIONS]

SUBJECT: RESOLUTION TO SUPPORT THE UPPER NEUSE RIVER BASIN ASSOCIATION (UNRBA) FY2019 BUDGET (ITEM 13)

Paul Wiebke, Assistant Public Works Director, made a PowerPoint presentation and gave the staff report on Stormwater and GIS Services.

Topics covered were Billing & GIS, Water Quality, Stormwater Development Review & Infrastructure, Watershed Planning & Implementation; explained the stormwater quality regulatory compliance requirements in the form of 'rules'; city initiation of watershed improvement plans; next steps for the Eno River Watershed Improvement Plan; Capital Project – South Ellerbe Stormwater Restoration, Phases 1-4; ATS Full Scale Preliminary Design with Floway Design; and revised the Falls Stage I Existing Development Goal to reduce Nitrogen to

2006 levels. Mr. Wiebke continued to explain the Stage II costs of \$1,400 per household per year; reduce Total Nitrogen by 40% would require retrofitting nearly every acre of existing development; 1000 structural BMPs (Best Management Practices = stormwater facilities) per year; Upper Neuse River Basin Association's Falls Lake Association Goals, Watershed Communities, Re-examination of Stage II with regional mapping; Timeline discussion from 2016 – 2021 and budget categories; and attributed the presentation to the Durham team of Reggie Hicks, Michelle Woolfolk, Don O'Toole, Sandi Wilbur and Susan Gale.

Council inquired about the financing of the UNRBA Association of Governments; spoke to the monitoring of the bodies of water and explained that modelling was going to begin; looking at different regulatory options and had started interviewing four firms for Stage II operations; addressed the dues that would be utilized to fund an attorney with EPA experience, not to exceed \$100,000, for Stage II approval; and noted that Raleigh had accepted the Stage II costs.

SUBJECT: PARTICIPATORY BUDGETING (PB)/FOLLOW-UP

Council Member Caballero, Chair of the Participatory Budgeting Sub-Committee, summarized the updates to the timeline, amount of funding and steering committee process; referenced a memo with bullet points;

- Structure: proposed nine members with two non-voting City Council Members;
- Funding: \$2.5 million, divided into \$800,000 per ward;
- Timeline: Form steering committee to vote for members at July 26 Work Session or August 9th Work Session
 - Set up Orientation of PB Steering Committee
 - Data Collection
 - Proposal Development to December 2018 to Feb 2019
 - Feasibility: March 2019
 - Project Promotion/Vote: May 2019
- Framing/Pilot consisting of Process Year in Year 1; Project Year in Year 2
- Voting Eligibility

Mayor Schewel suggested waiting until the next Work Session to vote on the guidelines to allow for the participation of Mayor Pro Tempore Johnson.

Council Member Alston suggested making decisions on the steering committee.

Council Member Reece asked if there was broad consensus that the ward system was the way to go for the first year.

Council Member Caballero referenced two pieces: goal of being able to vote in Year 1 and implementation in Year 2; expressed concerns about the districts' sizes being too unwieldy; it was the consensus of the Sub-Committee to start the process using the Ward system, based on the timeline, it was the best option.

Council discussed the timeline of establishing the PB Steering Committee in late July/early August; considering the first year as the 'pilot' year; three options emerged about funding from the Sub-Committee; making one year for planning and one year for implementation, resulting in a two-year cycle; the method of voting for PB Steering Committee members by Council as a group; ensuring diversity on the Steering Committee;

Council Member Caballero supported the PB Steering Committee structure of nine members plus two non-voting Council Members.

Council Member Middleton urged Council not to cross the \$1 million threshold in Year 1.

Council Member Caballero referenced the formula at spending \$1 million per 100,000 in population, resulting in \$2.5 million for Durham.

After clarifying some of the issues, it was the consensus of Council to defer the discussion to the May 10th Work Session.

Settling the Agenda – May 7, 2018 City Council Meeting

City Manager Bonfield stated Items #1 through 6, 8 through 13, Items 24 and 25; General Business Agenda Items 14 and 15; and General Business Agenda - Public Hearings Items 16 through 18.

MOTION by Council Member Middleton, seconded by Council Member Caballero, to settle the agenda for the May 7th City Council Meeting as stated by the City Manager was approved at 3:39 p.m. by the following vote: Ayes: Mayor Schewel and Council Members Alston, Caballero, Freeman, Middleton and Reece. Noes: None. Absent: Mayor Pro Tempore Johnson.

Closed Session – 3:40 p.m.

MOTION by Council Member Freeman, seconded by Council Member Caballero, to move into closed session for attorney-client consultation pursuant to NCGS 143-318.11(a)(3); the motion was approved unanimously.

Open Session – 4:42 p.m.

MOTION by Council Member Reece, seconded by Council Member Caballero, to return to open session; the motion was approved unanimously. No action was taken in open session.

Being no additional business to come before Council, the meeting was adjourned at 4:43 p.m.

Diana Schreiber, CMC, NCCMC
City Clerk